

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
-v.- : 14 Cr. 611 (NRB)  
FREDDIE DIAZ, : ORDER  
Defendant. :  
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WHEREAS, the above-named defendant, Freddie Diaz, is presently in federal custody under the supervision and control of the United States Marshal;

WHEREAS, an application having been made by counsel for the defendant, Joshua L. Dratel, Esq, with the consent of the United States Attorney for the Southern District of New York, Damian Williams, by and through Assistant United States Attorney Negar Tekeei;

WHEREAS, in response to the Court's June 10, 2021, Order pursuant to 18 U.S.C. §§4241(a), (b) & (c), the Bureau of Prisons conducted a psychological examination of Mr. Diaz, and prepared a psychological report ("Report") that it filed with the Court October 22, 2021;

WHEREAS, that Report concluded that Mr. Diaz is "not competent to the extent he is unable to fully understand the nature and consequences of the proceedings against him or to assist properly in his defense[,] or "to stand trial[;]"

WHEREAS, the Report "recommend[s] that Mr. Diaz be committed to the custody of the Attorney General for restoration to competency, pursuant to" §4241(d), "to be completed at a suitable facility, such as a Federal Medical Center[;]

WHEREAS, the Report considers Mr. Diaz's prognosis "guarded at this time" because "his response to antipsychotic medication is unknown[;]"

WHEREAS, in light of the Report's uncontested conclusions, pursuant to §4241(d), this

Court finds by a preponderance of the evidence Mr. Diaz is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

IT IS HEREBY ORDERED that, pursuant to §§4241(d) & (d)(1), Mr. Diaz be committed to the custody of the Attorney General for purposes of hospitalizing Mr. Diaz for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.

Dated:           New York, New York  
                  November 2021  
                  30,

SO ORDERED:

  
Naomi Reice Buchwald  
NAOMI REICE BUCHWALD  
U.S.D.J.